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10/067,834	02/08/2002	Wai Choi Tang	016660-115	9561

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EXAMINER

CAMPBELL, JOSHUA D

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2178

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/067,834	Applicant(s) TANG, WAI CHOI	
	Examiner JOSHUA D. CAMPBELL	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-13,15,16 and 20-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-13,15,16 and 20-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 4/2/2009.
2. Claims 1-5, 9-13, 15, 16, and 20-37 are pending in this case. Claims 1, 13, 23, and 36 are independent claims. Claims 23-37 have been newly added. Claims 1, 9, 10, 13, 16, 20, and 22 have been amended.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The phrase "computer readable medium," is not found to have proper antecedent basis in the specification. The examiner recommends changing the phrase "computer readable medium" to "optically readable data disc" (see page 4, final paragraph of applicant's specification), in order to overcome this objection. It is also noted that this change would warrant the cancellation of claims 15 and 37.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-5, 9-13, 15, 16, and 20-37 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention. In all of the independent claims, limitation (d) involves "...iteratively selecting a line of text from said plural lines of text," (emphasis added) which is followed by limitation (f) that involves, "...arrange the candidate words of each selected line of text into a sentence," (emphasis added). The way the limitations are written, only one line is selected including only one candidate word, thus only one word exists to be arranged into a sentence. The examiner recommends changing limitation (d) to state, "...iteratively selecting multiple lines of text," in order to overcome this rejection.

The examiner will examine the claims as though limitation (f) requires a one word sentence to be "arranged" as stated by the claims, however proper correction is required.

Allowable Subject Matter

5. Claims 9, 20, 28, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. It is noted that it would also be necessary to overcome the rejection under 35 U.S.C. 112, second paragraph for these claims to be allowable.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-5, 10-13, 21-27, 30-32, and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Chasen et al. (hereinafter Chasen, US Patent Number 6,760,721, filed on April 14, 2000) has been withdrawn due to amendments

Regarding independent claim 1, Chasen discloses providing within a display window in an interface a visual display of a plurality of words arranged into categories based on a common characteristic, the categories being arranged hierarchically into a plurality of levels based on a database of those words (column 1, lines 39-50 and column 5, line 52-column 6, line 4 of Chasen). Chasen also discloses that a user may choose a word or words from a plurality of words, via either a keyboard (sequence of keystrokes) or a mouse, shown in said window and then outputting an output in

response to the choice of a word or words (column 5, line 52-column 6, line 4 of Chasen). Chasen discloses that words that are chosen are then displayed (arranged into one word sentences) in a second window on the visual display unit and in the second window the words chosen are displayed with at least a word of the immediately preceding level (when classical is selected the word classical is shown in the second window in conjunction with the word that immediately precedes it, genre, as is shown in Figure 1) (column 5, line 52-column 6, line 4 of Chasen). The table column "Genre" containing the selection of "Classical" being a descriptor in the teachings of Chasen (Figure 1 and column 5, line 52-column 6, line 4 of Chasen). Chasen also discloses that the items can be described by a specific descriptor of their hierarchical location, which consists of preceding hierarchical level and the chosen words separated by a "-" (column 13, line 45-column 15, line 64 of Chasen). Chasen discloses that the words of a multilevel hierarchy can be integrated into a single text line, which consists of preceding hierarchical level and the chosen words separated by a "-" (column 13, line 45-column 15, line 64 of Chasen).

Regarding dependent claims 2 and 3, Chasen discloses that the user's computing device can be a personal computer or a personal digital assistant (column 6, lines 52-62 of Chasen).

Regarding dependent claim 4, Chasen discloses that the database of words provided exists and is provided from the memory of the user's processing apparatus (column 6, lines 22-29 and lines 49-52 of Chasen).

Regarding dependent claims 5, Chasen discloses that the output in response to the selection may be visual (showing items that fall under the classification of the word selected) and audible (playing the audio filed designated by the word selected) (column 5, line 52-column 6, line 4 and column 8, lines 7-13 of Chasen).

Regarding dependent claim 10, Chasen discloses displaying a plurality of chosen words in the second window in a relational manner by allowing multiple words such as “Concerto” and “Reverie” to be added to a playlist window that exists in the same format as the window 130 in Figure 1, thus maintaining a relational display of the words selected based on the categories of classification provided (column 5, line 20-column 6, line 4 of Chasen).

Regarding dependent claims 11 and 12, Chasen discloses that words may be added to the database and any changes made to a word will be propagated throughout the database to all occurrences of a word in a database, thus allowing all occurrences to be changed (column 3, lines 43-58 of Chasen).

Regarding independent claims 13, Chasen discloses a program which when processed by a data apparatus provides within a display window in an interface a visual display of a plurality of words arranged into categories based on a common characteristic, the categories being arranged hierarchically into a plurality of levels based on a database of those words (column 1, lines 39-50 and column 5, line 52-column 6, line 4 of Chasen). Chasen also discloses that a user may choose a word or words from a plurality of words, via either a keyboard (sequence of keystrokes) or a mouse, shown in said window and then outputting an output in response to the choice

of a word or words (column 5, line 52-column 6, line 4 of Chasen). Chasen discloses that words that are chosen are then displayed (arranged into one word sentences) in a second window on the visual display unit and in the second window the words chosen are displayed with at least a word of the immediately preceding level (when classical is selected the word classical is shown in the second window in conjunction with the word that immediately precedes it, genre, as is shown in Figure 1) (column 5, line 52-column 6, line 4 of Chasen). The table column "Genre" containing the selection of "Classical" being a descriptor in the teachings of Chasen (Figure 1 and column 5, line 52-column 6, line 4 of Chasen). Chasen also discloses that the items can be described by a specific descriptor of their hierarchical location, which consists of preceding hierarchical level and the chosen words separated by a "-" (column 13, line 45-column 15, line 64 of Chasen). Chasen discloses that the words of a multilevel hierarchy can be integrated into a single text line, which consists of preceding hierarchical level and the chosen words separated by a "-" (column 13, line 45-column 15, line 64 of Chasen).

Regarding dependent claims 21 and 22, Chasen discloses that the words of the hierarchy are indexed based on a common root feature and grouped into at least one common category based on significance or meaning of the words (column 1, lines 39-50 and column 5, line 52-column 6, line 4 of Chasen).

Regarding independent claim 23 and dependent claims 24-27, 30-32, 34, and 35, the claims incorporate substantially similar subject matter as claims 1-5, 10-12, 21, and 22. Thus, the claims are rejected along the same rationale as claims 1-5, 10-12, 21, and 22.

Regarding independent claim 36, the claim incorporates substantially similar subject matter as claim 13. Thus, the claim is rejected along the same rationale as claim 13.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 15 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chasen et al. (hereinafter Chasen, US Patent Number 6,760,721, filed on April 14, 2000) has been withdrawn due to amendments

Regarding dependent claims 15 and 37, Chasen discloses the use of executable programmed instructions in order to perform the tasks of the invention of Chase. Chasen does not explicitly disclose the executable programs are stored on an optically readable data disc. However, it was notoriously well-known to use an optically readable data disc (such as a CD) to provide executable programs to a processing device at the time the invention was made. It would have been obvious to one of ordinary skill in the art, at the time the invention was made to have provided the program taught by Chasen on an optically readable data disc because it would have increased the portability of the program because it would have allowed it to be easily transported computer to computer via the data disc.

10. Claims 16 and 33 are remain rejected under 35 U.S.C. 103(a) as being unpatentable over Chasen et al. (hereinafter Chasen, US Patent Number 6,760,721, filed on April 14, 2000) in view of Pfaffenberger et al. (hereinafter Pfaffenberger, "Microsoft Windows 98 and the Internet," published in 1999)

Regarding dependent claims 16 and 33 Chasen discloses that the items can be described by a specific descriptor of their hierarchical location, which consists of preceding hierarchical level and the chosen word separated by a "-" (column 13, line 45- column 15, line 64 of Chasen). Chasen does not explicitly disclose the use of the "\" symbol to describe the relationship of the item and the preceding hierarchical level by separating them with said "\" symbol. However, it is notoriously well known in the art at the time the invention was made that the "\" symbol was most commonly used to dictate the hierarchical levels between words by separating them in the format of preceding hierarchical item followed by a "\" symbol followed by the actual item (page 617, Figure 16-7 of Pfaffenberger, specifically the "Address" bar in relation to the selection made in the "All Folders" window). Thus, it would have been notoriously obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Chasen for using a "-" to separate hierarchically preceding elements with the notoriously well-known teachings of Pfaffenberger because the "\" symbol would have provided a commonly used representation of hierarchical elements, thus it would have been more commonly understood by more users.

Response to Arguments

11. Applicant's arguments with respect to claims 1-5, 9-13, 15, 16, and 20-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. CAMPBELL whose telephone number is (571)272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua D Campbell/
Primary Examiner, Art Unit 2178
July 2, 2009